

Message Text

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FOR ELIZABETH A. BROWN

E.O. 11652: N/A

TAGS: OCON, ICAO

SUBJECT: ICAO EXTRAORDINARY ASSEMBLY/DIPLOMATIC CONFERENCE
ON AIR LAW, ROME, AUG. 28-SEPT. 21, 1973

FOLLOWING SENT SECSTATE WASHDC INFO TEL AVIV BEIRUT USUN
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TAGS: ICAO, ETRN

SUBJ: ICAO: ISRAELI DIVERSION OF LEBANESE AIRCRAFT

1. ICAO COUNCIL CONSIDERATION AUGUST 20 OF ISRAELI DIVERSION
OF LEBANON AIRCRAFT ON AUGUST 10 WAS PROCEEDED BY HEAVY CONSUL-
TATIONS AMONG DELEGATIONS RESULTING IN (A) SHARED UNDERSTAND-
ING AMONG TWENTY-EIGHT REPS PRESENT OF AMENDMENTS LEBANON WAS
PREPARED TO OFFER TO TEXT OF DRAFT RESOLUTION IT HAS CIRCULA-
TED AUGUST 17, AND (B) APPRECIATION THAT TEXT AS MODIFIED
WOULD BE ACCEPTABLE TO US, NOTABLY, AND APPARENTLY TO ALL OTHERS.
INTERESTS COINCIDED, THEREFORE, IN USHERING RESOLUTION THROUGH
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COUNCIL MEETING WITHOUT TEXTUAL CHANGE. EVEN USSR REP, WHO

REMARKED IN HIS INTERVENTION THAT USSR WOULD HAVE EDITORIAL CHANGES TO OFFER, REFRAINED FROM SUBSEQUENT INTERVENTION AS CONSENSUS EMERGED CLEARLY TO ADOPT TEXT AS IT STOOD.

2. LEBANESE REP LED OFF WITH DESCRIPTION OF INCIDENT AS ACT OF STATE PIRACY, FLAGRANT VIOLATION OF LEBANESE AIR SPACE, AND IN VIOLATION OF ALL INTERNATIONAL STANDARDS. AS AGREED IN US-LEBANESE CONSULTATIONS HE WENT ON IMMEDIATELY TO OFFER TEXTUAL CHANGES AGREED UPON WITH US. EGYPTIAN REP QUICKLY SECONDED RESOLUTION, AND IN MARKEDLY MORE HEATED LANGUAGE CASTIGATED ISRAEL FOR ACTION AND FOR SUBSEQUENT POSTURE. THEME WAS THEN CARRIED FURTHER BY TUNISIAN REP, THIRD ARAB STATE ON ICAO COUNCIL.

3. ISRAELI REP (DORON), SEATED WITH RIGHT OF PARTICIPATION IN DISCUSSION AS ICAO MEMBER CONCERNED, TOOK FLOOR THEREAFTER WITH LENGTHY BUT FAIRLY UNEMOTIONAL CHRONOLOGICAL RECOUNTING OF ARAB TERRORIST ACTS OVER THE YEARS AFFECTING SAFETY OF CIVIL AVIATION. HIS RECOUNTING GREW EMOTIONAL ONLY WITH DESCRIPTION OF KEY ROLE HABASH HAS PLAYED IN THESE, AND HE CONCLUDED MORE EVENLY THAT FAILURE OF INTERNATIONAL COMMUNITY TO ACT HAD LEFT ISRAEL WITH NO RECOURSE BUT TO LAST RESORT OF UNILATERAL EFFORT IT MADE WITHIN CONTEXT OF INTERNATIONALLY RESPECTED RIGHT OF SELF-DEFENSE.

4. REPS OF STATES AS DISPARATE AS SENEGAL, USSR, AND AUSTRALIA CONCURRED IN CHARACTERIZING AS "MILD" DRAFT LANGUAGE WHICH HAD EMERGED FROM MORNING CONSULTATIONS, BUT ALL WHO SPOKE IN THIS DIRECTION CAREFULLY ESCHEWED ANY IDEA COUNCIL UNDER CIRCUMSTANCES SHOULD UNDERTAKE TO STIFFEN IT. MORNING CONSULTATIONS HAD MADE CLEAR US WOULD NOT, AND NUMBER OF EUROPEANS PROBABLY WOULD NOT, SUPPORT ANY LANGUAGE GOING BEYOND AUGUST 15 SECURITY COUNCIL RESOLUTION, AND DETERMINATION OF LEBANON TO OBTAIN UNANIMITY CEMENTED TACIT AGREEMENT WHICH BECAME CLEAR EARLY IN DISCUSSION THAT LANGUAGE AS MODIFIED BY LEBANON WOULD HAVE TO BE ACCEPTED AS FINAL IF UNANIMITY WAS TO BE SECURED. IN THIS WAY US STANCE PROVIDED FRAMEWORK WITHIN WHICH LEBANON COULD PROCEED RESPONSIBLY, WHILE ACCOMMODATING UNDERSTANDABLE ISRAELI DESIRE TO MINIMIZE TERMS OF RESOLUTION.

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5. DESPITE SYSTEMATIC RECOUNTING OF INCIDENTS OF ARAB TERRORISM LEADING UP TO ISRAELI ACTION, ISRAEL FAILED TO BLUR DISTINCTION MANY DREW SHARPLY BETWEEN TERRORISM BY INDIVIDUALS AND TERRORISM BY STATES. ON OTHER HAND, WITH EXCEPTION OF EGYPT AND LEBANON, INTERVENTIONS WERE MADE STRICTLY WITHIN CONTEXT OF INTERNATIONAL CIVIL AVIATION SAFETY (THE CONCERN OF THE CHICAGO CONVENTION). LEFT HANGING WAS QUESTION, WHICH WOULD INEVITABLY HAVE BEEN CENTRAL TO ANY BROADER DISCUSSION, OF WHAT WOULD HAVE BEEN

RESPONSE OF ISRAELI FIGHTERS HAD CIVIL AIRCRAFT COMMANDER MIS-
UNDERSTOOD OR FAILED TO HEED INSTRUCTIONS OF FIGHTERS.

6. ELEVEN OF TWENTY-EIGHT PRESENT (SENEGAL, USSR, FRANCE,
UK, ARGENTINA, UGANDA, FRG, JAPAN, INDIA, COLOMBIA, AUSTRALIA)
EXPRESSED CONCERN FOR VARIETY OF REASONS ABOUT OPERATIVE PARA 4
(SEE SEPTTEL) CALLING UPON ROME DIPLOMATIC CONFERENCE TO CONSIDER
QUESTION OF INTERFERENCE COMMITTED BY STATES. ALL DECIDED,
HOWEVER, NOT TO LET, IMPLICATIONS THEY SAW IMPLIED, OR PROCEDURAL
QUESTIONS THEY HAD, STAND IN WAY OF THEIR APPROVAL OF RESOLUTION
AS A WHOLE.

7. FOLLOWING ROUND OF TABLE COUNCIL WAS TREATED TO SHARP POLITICAL
EXCHANGES BETWEEN LEBANON AND EGYPT ON ONE HAND AND ISRAEL ON
OTHER (WITH TUNISIA QUIET), WHICH PRODUCED EXTENSIVE PRESS
QUOTATIONS INTENDED TO DEMONSTRATE TEMPER OF WORLD PUBLIC
OPINION. HOWEVER, OTHERS REFRAINED FROM BEING DRAWN INTO FURTHER
DEBATE, AND LEBANESE RESOLUTION WENT TO VOTE AND WAS ADOPTED
UNANIMOUSLY BY 28 STATES REPRESENTED (NIGERIA AND NICARAGUA
ABSENT). TOPPING UNQUOTE ROGERS

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